



**CITY COUNCIL**

**JAN SUMRALL**  
DISTRICT NO. 1

**ROSE RODRIGUEZ**  
DISTRICT NO. 2

**LARRY M. MEDINA**  
DISTRICT NO. 3

**JOHN COOK**  
DISTRICT NO. 4

**DANIEL S. POWER**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**LUIS G. SARIÑANA**  
DISTRICT NO. 7

**ANTHONY COBOS**  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
JANUARY 3, 2002  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor Darell Johnston, Amor Ministries, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

.....  
Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved under Consent Agenda will be shown with an asterisk {\*}).  
Representative Escobar and Representative Sariñana were not present for the vote.

.....  
\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of September 18, 2001.  
.....  
..

**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ACCEPTANCE OF RIGHT OF WAY FROM HCD PARTNERS, LTD., FOR THE RESLER DRIVE EXTENSION PROJECT, EL PASO, EL PASO COUNTY, TEXAS.**

**Whereas**, the City of El Paso (City) and the Texas Department of Transportation (TxDOT) entered into an Agreement for an STP-Metropolitan Mobility Project whereas TxDOT would be responsible for the construction of the Project in El Paso known as the Resler Drive Extension Project (Project); and,

**Whereas**, the City and HCD Partners, Ltd., (HCD) entered into an Agreement such that HCD would be solely responsible for the acquisition of necessary right of way and the 20% TxDOT required match on behalf of the City; and,

**Whereas**, HCD has acquired the necessary right of way for the Project and desires to transfer title to same to the City and the City desires to accept the right of way for the Project from HCD; **NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, THAT:**

The Mayor is hereby authorized to sign acceptance of right of way from HCD Partners, Ltd., for the Resler Drive Extension Project, El Paso, El Paso County, Texas.

.....  
..

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event: Dinner  
Licensee: Miles Group AUPS Company  
Date: January 8, 2002  
Time: 5:30 p.m. - 8:00 p.m.  
Charge for Space: \$500.00  
Charge for Staff (est.): \$240.00  
Charge for Insurance: \$40.00  
Area(s): Gallery Lobby

.....  
.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art.

Event: Meeting  
Licensee: Young Presidents Organization  
Date: January 15, 2002  
Time: 4:00 - 6:00 p.m.  
Charge for Space: \$200.00  
Charge for Staff (est): \$40.00  
Charge for Insurance: \$40.00  
Area(s): Seminar Room

.....  
..

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a grant application to the Texas Commission on the Arts ("TCA") Team Building Mini-Grant Subsidy program and to sign the related contract and other necessary documents should funds be granted, either in the requested amount or at such lesser amount as may be approved by the TCA. The request is for a grant of \$1,000 to assist in expenses for the Education Curator and the Assistant Education Curator to attend the 2002 National Art Education Association Conference in Miami, Florida, March 20 - 25, 2002.

Expenses not covered by the TCA grant (estimated to be \$1,200.00) will come from the Museum budget for Education Department Travel and Conference.

.....  
..

**\*RESOLUTION**

**WHEREAS** the terroristic events of September 11, 2001 have had a serious negative impact on the airline industry and air travel in general;

**WHEREAS** the City Council has determined that a public purpose will be served by assisting the airline industry doing business in El Paso during the period of adjustment; and

**WHEREAS**, the City Council has determined that offering an incentive to airlines to open new non-stop service from El Paso might stimulate business and would be of benefit to the City.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

1. **Landing Fees and Terminal Rental Rates for Signatory Airlines.** Despite the fact that the current Airline Operating Agreements and Terminal Building Leases ("Airline Agreements") signed with each of the signatory airlines contains a formula which would result in an increase in landing fees and terminal rental rates, the City Council has resolved to stabilize the rates to equal those in effect for Fiscal Year 2001 for an additional six month period beginning September 1, 2001 and ending February 28, 2002. During this time period the fees shall be as follows:

Landing fee rate (per 1,000 pounds of weight)	\$0.90
Terminal rental rate (per square foot per year)	\$31.50

Prior to the end of the six month period, the airport staff will re-evaluate the situation and make a recommendation to City Council concerning the landing fee rates and the terminal rental rates for the remainder of FY 2002. This measure is intended to be temporary in nature and only an attempt to provide a measure of financial relief to the troubled airline industry. All other fees and expenses shall be calculated and charged as set forth in the Airline Agreements.

2. **Waiver of Landing Fees for New, Non-Stop Service.** Commencing January 3, 2002 and ending August 31, 2002, any air carrier which establishes new, non-stop service from El Paso to destinations not currently served by any air carrier currently doing business at the El Paso International Airport will be eligible to receive a waiver of landing fees for the first ninety (90) days of the new service. Waivers will be temporary in nature and granted in an effort to stimulate the growth of airline service to and from El Paso International Airport and to allow carriers the opportunity to try new routes. Any carrier requesting a waiver shall notify the Director of Aviation, in writing, prior to commencing service. After confirming that the service meets the specifications set forth in this Resolution, the Director of Aviation shall confirm in writing that the carrier is entitled to the waiver.

.....  
..

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Review Appraisal Services between the City of El Paso and Appraisal Consultants in the amount not to exceed Five Hundred and no/100ths (\$500) Dollars, for the review appraisal of the following parcels, in fulfillment of the Collingsworth Subdivision Phase IV Street and Drainage Improvements, a 27th Year (2001-2002) Community Development Project:

Parcel 1: A portion of Lots 1 and 2, Block E, Collingsworth Subdivision Supplemental Map, containing 1,143 square feet, more or less.

Parcel 2: A portion of Lot 1, Block 7, Collingsworth Subdivision Supplemental Map, containing 48 square feet, more or less.

Funds for this review appraisal are available under Account Number G7127CD0034.

.....  
..

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Ten Thousand Six Hundred And No/100ths Dollars (\$10,600.00 - \$8,917 loan/\$1,683 grant) against the following described real property

A portion of Tracts 1 and 2 of Dorbandt's Subdivision in the City of El Paso, El Paso County, Texas; also known and numbered as 122 Rio Monte Street, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

.....  
..

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Eight Thousand Three Hundred And No/100ths Dollars (\$8,300.00 - \$7,792 loan/\$508 grant) against the following described real property:

Lot 21, Block 5, Alto Terrace Subdivision Second Replat, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 4, Page 46, Plat Records of El Paso County, Texas; also known and numbered as 1081 Ralpheene Street, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

.....  
..

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Three Thousand Seven Hundred Fifty And No/100ths Dollars (\$3,750.00 - \$1,116 loan/\$2,634 grant) against the following described real property:

Lot 3, Block 23, Tejas Addition, Fourth Section, a Subdivision of the City of El Paso, El Paso County, Texas, according to plat thereof recorded in Volume 10, Page 8, Plat Records of El Paso County, Texas; also known and numbered as 1125 Marlow Road, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

.....  
..

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services between the CITY OF EL PASO and Aguilar & Mesta, Inc., d/b/a Perspectiva, for a project known as "Westside Regional Branch Library" for an amount not to exceed FOUR HUNDRED SIXTY-FIVE THOUSAND AND 00/100 DOLLARS (\$465,000.00).

.....  
..

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an amendment to the memorandum of understanding by and between the City of El Paso, the El Paso County Juvenile Board and the 327<sup>th</sup> Judicial District Court to revise the procedures for processing juveniles taken into custody by the Police Department.

.....  
..

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the grant application and related documents for the certified grant from the Rio Grande Council of Governments for a grant in the amount of \$25,000.00, to address the need of providing citizens collection stations to the community in more convenient locations throughout the City to dispose of their excess waste in a more efficient manner. The In-Kind Services required for this grant is \$3,300.00.

.....  
..

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council approves of a cooperative study conducted by the University of Texas at El Paso's Cooperative Pharmacy Program to evaluate the use of herbals in persons greater than or equal to 65 years of age in the various senior centers managed by the Parks & Recreation Department. This voluntary study involves using questionnaires and conducting focus groups to assess the health and physical activity of older adults who attend and use the services provided by the El Paso Senior Centers. There is no cost to the City.

.....  
..

\*RESOLUTION

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ASSIGNMENT OF THE GRANTEE'S RIGHTS AND DUTIES CREATED BY A CONTRACT FOR THE IMPROVEMENT AND MAINTENANCE OF STREET MEDIANS BETWEEN EL PASO SUNRIDGE L.P. AND THE CITY OF EL PASO.**

WHEREAS, on February 15, 1999, the City of El Paso and El Paso Sunridge L.P. entered into an agreement by which El Paso Sunridge L.P. agreed to landscape and maintain the medians within Sun Ridge Subdivision Unit 7, El Paso, El Paso County, Texas; and,

WHEREAS, El Paso Sunridge L.P. desires to assign its rights and duties pursuant to the contract to Sun Fire Property Owners Association; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign the contract assignment under the terms and conditions of February 15, 1999 contract, attached.

\*Motion made, seconded and unanimously carried to delete the Notice to set a public hearing to be held on January 3<sup>rd</sup>, 2002 to determine if the property located at 8035 Crawford Court in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of 10/23/01, Ollis Crawford, 8035 Crawford Ct., El Paso, Texas 79907-1213, has been notified of the violations at this property.

\*Motion made, seconded and carried that Terry Bond be appointed Director of Personnel, effective January 3, 2002 at an annual salary of \$76,500.

\*Motion made, seconded and unanimously carried to approve the request to fill the position(s) on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Police Trainee (80)

\*Motion made, seconded and unanimously carried to approve the request to fill the position(s) on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Regional Recreation Superintendent (1)
- B. Refuse Collection Division Supervisor (1)
- C. Sanitation Worker (1)

\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Police

Add	1.0	Police Word Processor Operator	GS 15
-----	-----	--------------------------------	-------

\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Health

Add	.67	Customer Service Specialist	GS 23
Add	.03	Customer Service Specialist	GS 23
Add	.30	Customer Service Specialist	GS 23
Delete	.67	Customer Service Specialist	GS 23
Delete	.03	Customer Service Specialist	GS 23
Delete	.30	Customer Service Specialist	GS 23
Delete	1.0	Administrative Analyst	PM 78
Add	1.0	Grant Writer	PM 73
Add	1.0	Administrative Serv Tech	GS 22
Delete	1.0	Administrative Serv Tech	GS 22

\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Comptroller

Add	1.0	Accountant I	PM 72
-----	-----	--------------	-------

\*Motion made, seconded and unanimously carried to award Bid No. 2002-032 Gasoline Analyzers  
Award to: Petrolab Company  
Latham, NY

Item(s): 1  
Amount: \$39,520.00

Department: Health  
Funds Available: 508012-41150012-G410121  
508012-41150012-G410118  
Funding Source: TNRCC Grant  
EPA Grant  
Total Award: \$39,520.00

The Health and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties. A lower bid was received but did not meet specifications as detailed in the backup.

This is a fixed-price, single (one-time) purchase, to purchase two (2) Gasoline Analyzers. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

.....  
..

\*Motion made, seconded and unanimously carried to award Bid No. 2002-052 Maintenance Truck

Award to: Casa Ford, Inc.  
El Paso, Texas  
Item(s): 1 with Option 1  
Amount: \$55,022.00

Department: Equipment Maintenance  
Funds Available: 04250203-508006-MB0003190  
Funding Source: FY2002 Certificates of Obligation  
Total Award: \$55,022.00

The Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase one (1) Maintenance Truck. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price until the manufacturers' build out date. No prompt payment discount is offered.

.....  
..

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-144 POLICE  
The Department wishes to establish a budget for the training account. Funds are received from the State each year.

Increase	\$140,000	to	21150070/P50023816415/405065	Mis Non Opn Rev
Increase	\$ 3,000	to	21150070/P50023816415/503104	Min Comp Eq
Increase	\$ 2,000	to	21150070/P50023816415/503108	Tng Materials
Increase	\$ 5,000	to	21150070/P50023816415/503109	Ammunition
Increase	\$ 30,000	to	21150070/P50023816415/504201	Travel
Increase	\$100,000	to	21150070/P50023816415/508002	Buildings

.....  
..

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-159 COMMUNITY DEVELOPMENT

This will increase the current year budget and make additional funds available for Housing Rehabilitation projects in the Magoffin Historic District.

Decrease	\$425,200	from	71150036/G7100HM09751/504415	Ind Cost Exp
Increase	\$425,200	to	71150039/G710RLFCDAH09903/505204	HsgRehMultiF

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-160 COMMUNITY DEVELOPMENT

This will increase the current year budget and make additional funds available for eligible housing projects.

Decrease	\$416,079.62	from	71150036/G7101HM09752/504415	Ind Cost Exp
Increase	\$200,000.00	to	71150039/G710RLFCDAH09903/505204	HsgRehMultiF
Increase	\$208,154.38	to	71150039/G710RLFCDAH09903/505205	HsgRehMultiF
Increase	\$ 7,925.24	to	71150039/G710RLFCDAH09903/505208	FrstTmeHBuyr

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-161 COMMUNITY DEVELOPMENT

This will reimburse the Community Development Block Grant for expenditures associated with administering the HOME Grant Program FY2001.

Decrease	\$416,079.62	from	71150036/G7101HM09752/406000	Fed Grt Proc
Increase	\$416,079.62	to	71150039/G710RLFCDAH09903/406000	Fed Grt Proc

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-162 COMMUNITY DEVELOPMENT

This will reimburse the Community Development Block Grant for expenditures associated with administering the HOME Grant Program FY2001.

Decrease	\$425,200	from	71150036/G7100HM09751/406000	Fed Grt Proc
Increase	\$425,200	to	71150039/G710RLFCDAH09903/406000	Fed Grt Proc

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-164 PUBLIC WORKS

Public Works proposes to appropriate \$792,000 to fund design for reconstruction of the Central Business District (CBD) Phase III. Funding source is sale of FY2000 CO's.

Increase	\$792,000	to	31250102/PPW003501127192/508027	Construction
Increase	\$792,000	to	31250102/PPW003501127192/407001	IntfndTrfSrces
Increase	\$792,000	to	31250102/PPW002800127172/507001	IntfundTrfUses
Decrease	\$792,000	from	31250102/PPW002800127172/508027	Construction

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-167 LIBRARY

The Library requests this budget transfer to set up allocations for the CDBG "Hang-out @ the Library Program." This grant was received through the Parks & Recreation Department. The granting period is Sept. 1, 2001 through Aug. 31, 2002.

Increase	\$8,643	to	53153053/15454/406000	Fed Grt Proc
Increase	\$2,000	to	53153053/15454/502000	Pers Serv Cont
Increase	\$1,600	to	53153053/15454/502209	Prtg Serv Con
Increase	\$1,500	to	53153053/15454/503101	Min Off Equip
Increase	\$1,500	to	53153053/15454/503115	Food & Bev
Increase	\$2,043	to	53153053/15454/508039	Library Bks Hdbk



.....  
..  
\*Motion made, seconded and unanimously carried to delete an Ordinance amending Title 20 (Zoning) of The El Paso Municipal Code to add minimum yard standards in the S-D (Special Development District), and to permit variable yard setbacks and lot sizes in the S-D (Special Development District), PR-1 (Planned Residential District I), PR II (Planned Residential District II); and PMD (Planned Mountain District), the penalty being as provided in Chapter 20.68 of the Code.  
.....  
..

\*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of a portion of Lot 19 and all of Lot 20, Block 17, COTTON ADDITION, El Paso, El Paso County, Texas (2330 Montana Avenue) from A-2 (Apartment) to S-D (Special Development) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Richard Nacim, 4009 Santa Anita, El Paso, TX 79902. ZC-01052  
.....  
.

\*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of a portion of Section 33 and all of Tracts 1 and 1A, Section 40, Block 79, Township 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, El Paso, El Paso County, Texas (East of Loop 375 and South of Montana Avenue) as follows: Parcel 1, from R-3 (Residential) to C-4/c (Commercial/conditions); Parcel 2, from R-3 (Residential) to PR-2 (Planned Residential); Parcel 3, from R-3 (Residential) to R-5 (Residential); Parcel 4 from R-3 (Residential) to C-3/c (Commercial/conditions) and Parcel 5 from R-3 (Residential) to R-3A (Residential), and imposing Certain Conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rancho Real IV, LTD / Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936. ZC-01061  
.....  
.

#### ORDINANCE 15007

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 14 (AIRCRAFT AND AIRPORTS), CHAPTER 14.24 (AIRLINE RATES AND CHARGES) OF THE EL PASO MUNICIPAL CODE BY AMENDING APPENDIX 1 TO SET FORTH NEW COST RECOVERY RATES FOR FISCAL YEAR 2002. THE PENALTY AS PROVIDED IN CHAPTER 1.08 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Medina, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.  
.....  
..

#### ORDINANCE 15008

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 014836, WHICH FORMALLY ESTABLISHED THE DEVELOPMENT COORDINATING COMMITTEE ("DCC"), TO ADD GOVERNMENTAL AND COMMUNITY REPRESENTATIVES TO SERVE AS ADVISORY MEMBERS UPON INVITATION OF THE DCC.**

Representative Sumrall asked how these members will be chosen. Ms. Pat Adauto, Director of Planning, stated this will be done by vote of the Development Coordinating Committee.

Motion duly made by Representative Sumrall, seconded by Representative Medina, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
..

ORDINANCE 15009

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE CENTRAL BUSINESS ASSOCIATION OF EL PASO, INC., TO PERMIT TEMPORARY SIDEWALK VENDING FOR PARTICIPATING MERCHANTS WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY IN DOWNTOWN EL PASO FROM JANUARY 4, 2002 THROUGH JUNE 30, 2002.**

Motion duly made by Representative Cobos, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
..

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to postpone to January 8, 2002 an Ordinance authorizing the Mayor to sign a Deed Without Warranty conveying to Vistacon, Inc., the abutting property owner a parcel of land owned by the City and consisting of 17,659 square feet, being a portion of Lots 1 through 3, Kessler Industrial District #1, El Paso, El Paso County, Texas and addressed as 1161 Kessler Drive near the intersection of Kessler and Yermoland Drives in East El Paso.

Representative Sariñana had questions about the cost/square footage and the appraisal cost. Mr. Robert Andron, Assistant City Attorney, made comments.

.....  
..

ORDINANCE 15010

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF ART MUSEUM CURATOR**

Motion duly made by Representative Sumrall, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
..

ORDINANCE 15011

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF MUSEUM EDUCATION CURATOR**

Motion duly made by Representative Sumrall, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
..

ORDINANCE 15012

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF ART MUSEUM ASSISTANT CURATOR**

Motion duly made by Representative Sumrall, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
..

Motion made, seconded and unanimously carried to postpone to January 14, 2002 an Ordinance relating to electric franchise fee payments as calculated and paid under Texas Utility Code § 38.008 for existing franchisees; containing findings and other provisions relating to the foregoing subject; providing an effective date; and declaring an emergency.

.....  
.

Motion made Representative Sumrall, seconded by Representative Sariñana and carried to move to the beginning of the agenda the following Resolution: Representative Medina voted Nay. Representative Escobar was not present for the vote.

**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-01027, FOR LOT 3, BLOCK 19, REGAL CREST UNIT 3, REPLAT B, EL PASO, EL PASO COUNTY, TEXAS (430 EAST REDD ROAD), PURSUANT TO CONTRACT CONDITION. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

WHEREAS, **Lowe's Home Centers, Inc.** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a contract condition to permit the construction and development of a home improvement center; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.150 of the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicant to permit the construction and development of a home improvement center on the following described property which is located in a C-4/sc (Commercial/special contract) District:

*Lot 3, Block 19, REGAL CREST UNIT 3, Replat B, El Paso, El Paso County, Texas;  
municipally known and numbered as 430 East Redd Road.*

A copy of the approved detailed site development plan, signed by the Applicants, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference. (Exhibit on file with this resolution in the City Clerk's Office.)

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-4/sc (Commercial/special contract) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-4/sc (Commercial/special contract) District regulations. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Representative Sumrall commented on this Site Plan.

Motion made by Representative Sumrall, seconded by Representative Medina unanimously carried to approve the above resolution. Representative Escobar was not present for the vote.

.....  
..  
Motion made, seconded and unanimously carried to delete the discussion and action that Rep. Luis Sariñana be censured for his statements during the City Council Meeting of December 18, 2001, in reference to Mr. Houser, Item 4. (Lisa Turner)

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Ordinance 14959, which amended Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), Subsection 15.08.120.B (Types of Encroachments) of the El Paso Municipal Code, to correct Section paragraph numbers. The penalty being as provided in Section 15.08.120.K of the Municipal Code.

**PUBLIC HEARING WILL BE HELD ON JANUARY 14, 2002 FOR ITEM A**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**ADDITION TO THE AGENDA**

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**ARMIJO RECREATION CENTER**

**DEPARTMENT ID. 51510065, ACCOUNT 502214**

1. CONTRACTOR: Marc A. Chavez, Outreach Instructor for Sports, Arts & Crafts, Dance and Exercise.  
DATES: January 16, 2002, thru June 14, 2002  
RATE PER CL/GM \$5.25  
MAXIMUM AMT: \$1,512  
CONTRACT: 2001/2002-115

**PAVO REAL RECREATION CENTER**

**DEPARTMENT ID. 51510115, ACCOUNT 502215**

2. CONTRACTOR: William R. Collins, Karate Instructor  
DATES: January 02, 2002, thru March 30, 2002  
RATE PER CL: \$9.95  
MAXIMUM AMT: \$298.50  
CONTRACT: 2001/2002-116

**YOUTH OUTREACH**

**DEPARTMENT ID. 51150056, ACCOUNT 502215**

3. CONTRACTOR: Carlos Rodriguez, Fine Arts Instructor  
DATE: January 15, 2002, thru May 31, 2002  
RATE PER CL: \$20.00  
MAXIMUM AMT: \$1,000

CONTRACT: 2001/2002-117

.....

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**LEONA FORD WASHINGTON RECREATION CENTER**  
**DEPARTMENT ID. 51510081, ACCOUNT 502214**

1. CONTRACTOR: Ida Ramirez, Aerobic Instructor  
DATES: April 1, 2002, thru August 29, 2002  
RATE PER CL: \$13.70  
MAXIMUM AMT: \$1,370  
CONTRACT: 2001/2002-110

**NATIONS-TOBIN RECREATION CENTER**  
**DEPARTMENT ID. 51510099, ACCOUNT 502214**

2. CONTRACTOR: Alex Edinger, Hockey Instructor, Scorekeeper, Game Referee  
DATES: March 1, 2002, thru August 31, 2002  
RATE PER GM: \$6.00  
MAXIMUM AMT: \$300  
CONTRACT: 2001/2002-111
3. CONTRACTOR: Laith Edinger, Hockey Instructor, Scorekeeper, Game Referee  
DATES: March 1, 2002 thru August 31, 2002  
RATE PER GM: \$6.00  
MAXIMUM AMT: \$100  
CONTRACT: 2001/2002 –112
4. CONTRACTOR: Jaime Rodriguez, Hockey Instructor, Scorekeeper, Game Referee  
DATES: March 1, 2002 thru August 31, 2002  
RATE PER GM: \$6.00  
MAXIMUM AMT: \$600  
CONTRACT: 2001/2002 –113

**PAVO REAL RECREATION CENTER**  
**DEPARTMENT ID. 51510115, ACCOUNT 502215**

5. CONTRACTOR: Rodolfo G. Hernandez, Ballet Folklorico Instructor  
DATES: January 3, 2002 thru March 28, 2002  
RATE PER CL: \$10.30  
MAXIMUM AMT: \$267.80  
CONTRACT: 2001/2002 –114
- .....

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001-2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

## **AQUATICS CENTER**

### **NO. 51010281, SUB-OBJECT 501011**

1.     CONTRACTOR:       Joshua M. Jordan, Lifeguard I, Step 2  
       DATES:            December 17, 2001, thru September 30, 2002  
       RATES PER HR:   \$6.20  
       CONTRACT NO:    2001/2002-171
2.     CONTRACTOR:       Richard Jay Marquez, Pool Attendant, Step 2  
       DATES:            December 13, 2001, thru September 30, 2002  
       RATES PER HR:   \$5.60  
       CONTRACT NO:    2001/2002-172

.....

### **RESOLUTION**

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 8035 Crawford Court, in El Paso, Texas, which property is more particularly described as follows:

Tract: 2-M-2-A, Block 6, Ascarate Grant, an Addition to the City of El Paso, El Paso County, Texas, according to the resurvey of said grant made by El Paso County, Texas for tax purposes

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Ollis Crawford, 8035 Crawford Court, El Paso, Texas 79907, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on January 3, 2002; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. That the structure can not feasibly be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building be demolished within (30) days; and

- b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
  4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing and cleaning the premises of all weeds, trash and debris; and
  5. That the costs incurred by the City in connection with demolishing and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
  6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
    - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
    - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
    - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
  7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
  9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
  10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.



Mr. Tom Maguire, Building Services Department, presented this report and gave the recommendation of the Department.

Motion made by Representative Sariñana, seconded by Representative Sumrall unanimously carried to accept the Department's recommendation and approve the above resolution.

.....  
Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Mark Telles, 01-A-006 (551.071)
- B. Erica Fishell, 01-A-005 (551.071)
- C. Ernesto Bautista, 01-C-125 (551.071)
- D. Cause No. 2000TX863, Airline International Luggage, Inc. et al (551.071)

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....  
..  
Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to delete the discussion and action on Mark Telles, 01-A-006 (551.071).

.....  
..  
Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to delete the discussion and action on Erica Fishell, 01-A-005 (551.071).

.....  
..  
Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to delete the discussion and action on Ernesto Bautista, 01-C-125 (551.071).

.....  
..  
Motion made by Representative Medina, seconded by Representative Sumrall and carried that the City hire outside counsel in the following matter: Cause No. 2000TX863, Airline International Luggage, Inc., et al as recommended by the City Attorney, and that City Attorney be authorized to sign a letter of engagement.

.....  
..  
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 9:40 a.m.

APPROVED AS TO CONTENT:                      APPROVED AS TO FORM:

*Carole Hunter*

---

Carole Hunter, City Clerk

---

Rita Rodriguez, City Attorney